

## Message Text

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PAGE 01 BONN 01621 01 OF 09 301257Z

43

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INFO OCT-01 ISO-00 SS-15 SP-02 MMO-01 PER-01 CU-02 /034 W

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PAGE 02 BONN 01621 01 OF 09 301257Z

C O N F I D E N T I A L SECTION 01 OF 09 BONN 01621

MILITARY ADDRESSEES ALSO FOR POLADS

E.O. 11652: XGDS-3

TAGS: PFOR PGOV WB GW US UK FR UR

SUBJECT: ANNUAL POLICY ASSESSMENT ON BERLIN: FRG  
POLICIES TOWARD BERLIN AND THE IMPACT ON  
US INTERESTS

REFS: (A) USBER 164 DTG 291515Z JAN 76 (NOTAL);  
(B) STATE 8357 DTG 132236Z JAN 76 (NOTAL)

FOLLOWING IS EMBASSY'S SUPPLEMENT TO USBERLIN POLICY  
ASSESSMENT (REF A), AS REQUESTED BY REF (B). AMBASSADOR  
HILLENBRAND SAW AN EARLIER DRAFT OF THIS MESSAGE BEFORE  
HIS DEPARTURE FOR CONSULTATIONS IN WASHINGTON AND  
APPROVED THE GENERAL LINES OF THE ANALYSIS.  
BEGIN SUMMARY. THE FRG WANTS A STEADY STRENGTHENING OF  
THE TIES BETWEEN THE FEDERAL REPUBLIC AND BERLIN. SOVIET  
POLICY IS TO ERODE THOSE TIES. GERMAN AND SOVIET  
DESIRES TO IMPROVE THEIR BILATERAL RELATIONS OFTEN  
CUSHION THE IMPACT OF THOSE TWO CONFLICTING POLICIES.  
WHEN THEY DO NOT, THE THREE WESTERN ALLIES MAY FIND  
THEMSELVES IN THE MIDDLE.

THIS SUPPLEMENT TO MISSION BERLIN'S ANNUAL POLICY ASSES-  
MENT EXAMINES FRG POLICY IN MORE DETAIL AND RELATES THAT  
POLICY TO THE OTHER FACTORS WHICH THE US MUST CONSIDER  
IN ITS APPROACH TO BERLIN ISSUES.

THERE IS NOTHING NEW ABOUT THE GERMAN POLICY OF CON-  
SOLIDATING TIES WITH BERLIN. THE THREE ALLIED POWERS  
ENCOURAGED THAT POLICY IN 1954, WHEN THE FRG UNDERTOOK  
TO PROVIDE SUBSTANTIAL AID TO BERLIN. FROM BONN'S  
POINT OF VIEW, THE QUADRIPARTITE AGREEMENT'S PROVISION  
ON MAINTAINING AND DEVELOPING THE TIES REAFFIRMED THAT  
LONG-STANDING POLICY -- WITH THE ADDED BENEFIT OF SOVIET  
ACCEPTANCE OF IT.

THE FRG IS INHIBITED FROM TAKING AGGRESSIVE OR UNDULY  
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PAGE 03 BONN 01621 01 OF 09 301257Z

PROVOCATIVE STEPS VIS-A-VIS BERLIN BOTH BY ITS OWN  
INTEREST IN IMPROVING RELATIONS WITH THE EAST AND BY ITS  
COMMITMENT TO THE ALLIES TO CONSIDER NEW INITIATIVES IN  
THE LIGHT NOT ONLY OF THEIR LEGALITY BUT ALSO OF THEIR  
POLITICAL IMPACT. BUT THE WEST GERMAN LEADERSHIP FEELS  
COMPELLED -- FOR LEGAL, POLITICAL, ECONOMIC AND  
PSYCHOLOGICAL REASONS -- TO SPOTLIGHT THE VITALITY OF  
THE LINKS BETWEEN THE FEDERAL REPUBLIC AND BERLIN.

DIFFERENCES WITH THE ALLIES ON SUBSTANCE AND ON TIMING  
OF PROPOSED ACTIONS WILL CONTINUE TO ARISE, EVEN AS WE  
RECOGNIZE THAT THE BASIC PURPOSE OF THE GERMAN ACTIONS --  
TO SUSTAIN THE ECONOMIC AND PSYCHOLOGICAL WELL-BEING OF  
BERLIN -- IS IN OUR INTEREST.

THE QA HAS BROUGHT RELATIVE TRANQUILITY TO BERLIN AND  
SIGNIFICANT IMPROVEMENT IN THE WAY OF LIFE OF THE  
BERLINERS. IT DID NOT, HOWEVER, SOLVE THE BERLIN  
PROBLEM. IT ALSO CONTAINS A NUMBER OF GRAY AREAS, WHERE  
BOTH SIDES ACCEPTED LANGUAGE THAT COULD BE DIFFERENTLY

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PAGE 01 BONN 01621 02 OF 09 301312Z

43

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PAGE 02 BONN 01621 02 OF 09 301312Z

C O N F I D E N T I A L SECTION 02 OF 09 BONN 01621

INTERPRETED BY EACH. GERMAN ACTIONS OFTEN SPILL INTO THIS AREA, WHERE GERMAN INTERPRETATIONS ARE THEN SUBJECT TO SOVIET PROTESTS DESIGNED TO POSE THE SOVIET INTERPRETATION AS A BARRIER TO THE GERMANS AND TO PERSUADE THE BERLINERS AS WELL AS THE WESTERN CAPITALS THAT THEY MUST ACCEPT THE RUSSIAN INTERPRETATION. MOREOVER, THE SOVIETS ARE TRYING TO ROLL BACK CERTAIN PRACTICES APPARENTLY ACCEPTED IN THE QA.

IN THIS DYNAMIC SITUATION, US DECISIONS CANNOT BE MADE SOLELY ON THE MERITS OF US OR FRG POLICIES TOWARD BERLIN. WE MUST CONSIDER SEVERAL FACTORS IN OUR DECISION-MAKING ON BERLIN MATTERS: WHAT POLICIES WILL BEST SERVE OUR OWN LONG-RANGE INTERESTS IN BERLIN (RECOGNIZING THAT WE WILL REMAIN THERE FOR THE FORESEEABLE FUTURE); OUR RELATIONSHIP WITH THE SOVIETS; THE INTERACTION OF US ATTITUDES WITH THOSE OF OUR BRITISH AND FRENCH ALLIES; AND THE IMPORTANCE TO US OF GERMAN COOPERATION AND SUPPORT ON MATTERS OTHER THAN BERLIN.

SOME OF THE MAJOR ISSUES ON THE HORIZON -- SUCH AS QUESTIONS OF HOW BERLIN IS TO BE INCLUDED IN AN EVOLVING EUROPEAN COMMUNITY -- WILL NOT BE OF GERMAN MAKING. BUT FRICTIONS WITH THE GERMANS OVER BERLIN POLICY ARE INEVITABLE, PARTICULARLY IN AN ELECTION YEAR. FOR BOTH GOVERNMENT AND OPPOSITION, BERLIN REMAINS A MAJOR POLITICAL ISSUE IN THE FRG. END SUMMARY.

THE BASIC ISSUE

1. BERLIN LIES IN THE HEART OF WHAT USED TO BE CENTRAL GERMANY. ITS POPULATION, ITS TRADITION, AND ITS PEOPLE ARE GERMAN. AND YET, OUT OF THE COMPLEX LEGACY OF

WORLD WAR II, IT IS NOW UNDER AN ALLIED SOVEREIGNTY THAT IS ESSENTIAL TO ITS SECURITY BUT THAT CANNOT LOGICALLY BE REGARDED BY ANY OF THE PARTIES AS HAVING HISTORICAL PERMANENCE.

2. THE FEDERAL REPUBLIC, CLAIMING THE ONLY LEGITIMATE  
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PAGE 03 BONN 01621 02 OF 09 301312Z

SUCCESSORSHIP TO THE FORMER GERMAN REICH, AND THE UNITED STATES, AS THE STRONGEST WESTERN ALLY, FUNDAMENTALLY WANT THE SAME THINGS FOR THE BERLINERS. THEY CAN HOWEVER, DIFFER ABOUT TACTICS. THEY ARE DRIVEN BY DIFFERENT INTERNATIONAL PERSPECTIVES AND BY DIFFERENT DOMESTIC PRESSURES. MOREOVER, ESPECIALLY AS THE COLD WAR HAS RECEDED, THE EMOTIONS WITH WHICH THEY APPROACH WHAT IS KNOWN AS THE "BERLIN PROBLEM" HAVE TENDED TO DIVERGE.

3. UNDER THE NEW REALITIES OF THE POST-COLD WAR ERA, THE PROBLEM FOR THE UNITED STATES AS FOR GERMANY IS NOT TO LOSE SIGHT OF THEIR COMMON OBJECTIVE BY CONCENTRATING ON THEIR DISPARATE TACTICAL APPROACHES.

BONN'S BERLIN POLICY: CONSOLIDATION OF THE TIES

4. THERE HAS BEEN NO FUNDAMENTAL CHANGE IN THE LONG-RANGE POLICY OF THE FRG TOWARD BERLIN SINCE THAT POLICY WAS ARTICULATED IN THE 1954 DECLARATION ON AID TO BERLIN. THE FEDERAL REPUBLIC AT THAT TIME RESOLVED TO CONSOLIDATE THE TIES WITH BERLIN "AS THE PROSPECTIVE CAPITAL OF A FREE, REUNIFIED GERMANY." THE THREE POWERS FOR THEIR PART AGREED TO FACILITATE THE CARRYING OUT BY THE FEDERAL REPUBLIC OF ITS DECLARATION. THE THREE POWERS ALSO AGREED TO PERMIT THE BONN GOVERNMENT TO REPRESENT BERLIN AND ITS PEOPLE ABROAD.

5. WHILE TIME AND SHIFTING GEOPOLITICAL REALITIES HAVE SOMEWHAT ALTERED THE RATIONALE FOR THE POLICY OF 1954, BOTH THE POLICY AND THE RATIONALE REMAIN. IT ALSO REMAINS AN EXPRESSED ELEMENT OF US POLICY TO SUPPORT THE GOAL OF FREE SELF-DETERMINATION OF THE GERMAN PEOPLE INCLUDING, IN PARTICULAR, THE BERLINERS.

6. IN THE QUADRIPARTITE AGREEMENT, THE US, THE UK, AND FRANCE DECLARED, AND THE SOVIET UNION ACCEPTED, THAT "THE TIES BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY WILL BE MAINTAINED AND DEVELOPED, TAKING INTO ACCOUNT THAT THESE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE FEDERAL  
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PAGE 04 BONN 01621 02 OF 09 301312Z

REPUBLIC OF GERMANY AND NOT TO BE GOVERNED BY IT." AS  
SEEN BY THE FRG, THE FIRST HALF OF THIS FORMULATION  
REPRESENTED A FORMAL REAFFIRMATION BY THE THREE WESTERN

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PAGE 01 BONN 01621 03 OF 09 301315Z

43

ACTION EUR-12

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PAGE 02 BONN 01621 03 OF 09 301315Z

C O N F I D E N T I A L SECTION 03 OF 09 BONN 01621

POWERS, AND AN ACCEPTANCE BY THE SOVIET UNION, OF LONG-STANDING GERMAN POLICY; THE QUALIFYING CLAUSE, WHILE THE FRG WAS RELUCTANT TO SEE IT ENSHRINED IN A FOUR-POWER AGREEMENT, WAS AFTER ALL ONLY A RESTATEMENT OF ALLIED RESERVED RIGHTS.

7. FOR THE WEST GERMANS, THE CRUCIAL WORD IN THE FORMULATION IS "DEVELOPED." MERELY MAINTAINING THE STATUS QUO IS NOT ENOUGH. BOTH THE FEDERAL GOVERNMENT AND THE SENAT CONSIDER STRENGTHENING -- "DEVELOPING" -- OF BERLIN-FRG TIES ESSENTIAL FOR THE FOLLOWING REASONS:

-- THE FEDERAL CONSTITUTIONAL COURT HAS ENJOINED FEDERAL OFFICIALS FROM TAKING ACTIONS WHICH WOULD WEAKEN THE FRG CONSTITUTIONAL THEORY THAT WEST BERLIN IS A PART OF THE FEDERAL REPUBLIC.

-- A CRITICAL OPPOSITION IN THE FEDERAL REPUBLIC AND IN BERLIN IS QUICK TO POUNCE ON ANY SIGNS THAT THE SPD IS VIOLATING THAT INJUNCTION. IN AN ELECTION YEAR IN PARTICULAR, THE GOVERNMENT IS SENSITIVE TO CHARGES OF NOT DOING ENOUGH FOR BERLIN.

-- THE FEDERAL BUDGET KEEPS BERLIN AFLOAT ECONOMICALLY, BUT THE FRG WOULD BE FIGHTING A LOSING BATTLE WITHOUT A PSYCHOLOGICAL CLIMATE WHICH KEPT THE PRIVATE BERLIN ECONOMY CONFIDENT AND THRIVING.

8. THE FRG BELIEVES THAT TO MAINTAIN THE MORALE OF BERLINERS, TO REVERSE THE OUTWARD FLOW OF YOUTHFUL WORKERS AND THE STEADY POPULATION DECLINE, AND TO CREATE A CLIMATE OF CONFIDENCE THAT ENCOURAGES AND PROMOTES INVESTMENT IN THE CITY, THERE MUST BE CONSTANT PUBLIC AWARENESS OF THE STRENGTH AND DURABILITY

OF THE TIES. FREQUENT REAFFIRMATION OF THE US  
COMMITMENT TO BERLIN, WHILE ESSENTIAL, IS NO  
SUBSTITUTE FOR THE SENSE OF "BELONGING" WHICH  
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PAGE 03 BONN 01621 03 OF 09 301315Z

BERLINERS GAIN FROM THEIR LINKS TO THE  
FEDERAL REPUBLIC.

9. ANOTHER IMPERATIVE OF GERMAN POLICY IS THE SOVIET  
EFFORT TO CREATE OR TO EDGE TOWARD A THIRD GERMAN STATE  
IN WEST BERLIN. THE GERMANS BELIEVE THAT EVERY EFFORT  
MUST BE MADE TO FORESTALL THIS EVENTUALITY AND --  
EQUALLY IMPORTANT -- TO SUSTAIN THE SENSE THAT IT WILL  
NEVER HAPPEN.

10. MANY RESPONSIBLE OFFICIALS WOULD PREFER NOT TO HAVE  
BERLIN ISSUES SO CLOSELY TIED INTO THEIR DECISION-  
MAKING. THEY WOULD HAVE GREATER LEEWAY IF THEY COULD  
ON OCCASION IGNORE BERLIN. BUT THE DILEMMA FOR THE  
FRG IS THAT THE PSYCHOLOGICAL CLIMATE CAN BE AS RAPIDLY  
DISTURBED BY A GERMAN FAILURE TO ACT AS BY SOVIET  
OBJECTIONS TO GERMAN ACTIONS. THE GERMANS MUST TRY TO  
FIND A MIDDLE COURSE IN WHICH THEY PRESERVE AND  
"DEVELOP" LINKS BETWEEN THE FRG AND WEST BERLIN WITHOUT  
GENERATING EITHER A MAJOR RUSSIAN REACTION OR A SERIES  
OF MINOR RUSSIAN OBJECTIONS THAT POISON THE ATMOSPHERE.  
SUCH A COURSE MAY BE IMPOSSIBLE TO FIND BECAUSE, AS WE  
DISCUSS BELOW, THE SOVIET UNION HAS EVERY INTEREST IN  
PRESSING THE DILEMMA CONSTANTLY UPON THE FRG, AND HAS  
TO DATE SUCCEEDED IN DOING SO.

#### INHIBITIONS ON FRG POLICY

11. THERE ARE BASIC AND CURRENT LIMITATIONS ON WHAT THE  
FRG CAN DO TO IMPROVE ITS POSITION IN BERLIN. FRG  
ATTEMPTS TO CONSOLIDATE THE TIES WITH BERLIN ARE PARTLY  
HELD IN CHECK BY THE DESIRE FOR FURTHER IMPROVEMENT IN  
RELATIONS WITH THE EAST. OSTPOLITIK IS NOT DEAD IN THE  
SCHMIDT GOVERNMENT, THOUGH IT IS NOT BLAZINGLY HERALDED  
AS THE GOVERNMENT'S PRINCIPAL PURPOSE AND PREOCCUPATION.  
THE MAJOR THRUST OF GERMAN FOREIGN POLICY IS WESTWARD,  
TO BE SURE, BUT THE FRG STILL ACCORDS AN IMPORTANT ROLE  
TO IMPROVING RELATIONS WITH THE GDR, THE SOVIET UNION,  
AND THE REST OF EASTERN EUROPE. BONN'S ACCEPTANCE OF  
THE QUADRIPARTITE AGREEMENT, WITH ITS BUILT-IN  
LIMITATIONS ON THE FRG ROLE VIS-A-VIS BERLIN, REMOVED  
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PAGE 04 BONN 01621 03 OF 09 301315Z

BERLIN AS A BURNING ISSUE IN CENTRAL EUROPE AND MADE  
PROGRESS IN OSTPOLITIK POSSIBLE FOR GERMANY AS FOR THE  
SOVIET UNION.

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PAGE 01 BONN 01621 04 OF 09 301453Z

43

ACTION EUR-12

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PAGE 02 BONN 01621 04 OF 09 301453Z

C O N F I D E N T I A L SECTION 04 OF 09 BONN 01621

12. THE BRAKING FORCE OF OSTPOLITIK LESSENS, WITHOUT COMPLETELY ELIMINATING, THE NEED FOR PREVENTIVE ACTION BY THE THREE WESTERN ALLIES, BUT THEY MUST REMAIN THE ARBITERS OF WHAT MAY BE DONE IN WEST BERLIN. THE GERMANS HAVE ADHERED TO, AND PERIODICALLY REAFFIRM, THE COMMITMENT THEY GAVE US IN THE WAKE OF THE CONTROVERSY OVER ESTABLISHMENT OF THE FEDERAL ENVIRONMENTAL AGENCY IN BERLIN: FUTURE MANIFESTATIONS OF FEDERAL PRESENCE IN BERLIN WILL BE WEIGHED IN TERMS NOT ONLY OF THEIR LEGALITY BUT ALSO OF THEIR "POLITICAL OPPORTUNENESS." SO LONG AS THIS CRITERION IS FOLLOWED, IT IS UNLIKELY THAT WE WILL HAVE MAJOR DISAGREEMENTS WITH THE GERMANS OVER THEIR BERLIN POLICY, BUT IT DOES NOT OBIVATE DIFFERENCES ON TACTICS OR ON MATTERS OF DETAIL.

13. NOR DO THESE CONSTRAINTS ON FRG POLICY ELIMINATE THE NEED FOR THE US TO MAKE DIFFICULT DECISIONS. WE MUST FROM TIME TO TIME FACE INTRACTABLE PROBLEMS, SUCH AS THE APPROPRIATENESS OF EXTENDING THE BACTERIOLOGICAL WEAPONS CONVENTION TO BERLIN AS A PROPER EXERCISE OF THE FRG RIGHT TO REPRESENT BERLIN INTERNATIONALLY. SOME OF THESE PROBLEMS, LIKE THE MATTER OF BERLIN REPRESENTATION IN THE EUROPEAN PARLIAMENT, HAVE ORIGINS SEPARATE FROM FRG OR ALLIED INITIATIVE.

THE DYNAMIC OF THE QA

14. THE QUADRIPARTITE AGREEMENT HAS BROUGHT UN-QUESTIONED BENEFITS FOR BERLINERS. IT IS WORKING WELL. FOR THE US, IT HAS MEANT THE DOWNGRADING OF THE BERLIN ISSUE AS A CONSTANT IRRITANT IN EAST-WEST RELATIONS. OUR INTERESTS WILL BE WELL SERVED BY AN INDEFINITE CONTINUATION OF THE QA REGIME.

15. IT WOULD BE WELL TO RECALL, HOWEVER, THAT THE QA DID NOT "SOLVE" THE BERLIN PROBLEM. LIKE SALT OR CSCE, IT IS A MILESTONE IN A CONTINUING PROCESS, A FRAMEWORK

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PAGE 03 BONN 01621 04 OF 09 301453Z

FOR FURTHER EVOLUTION BUT NOT A GILT-EDGED CERTIFICATE THAT POLITICAL AND ECONOMIC PROCESSES WILL HENCEFORTH CEASE THEIR OPERATION. IT WAS INTENDED TO DIRECT THOSE PROCESSES INTO LESS EXPLOSIVE CHANNELS, AND IT HAS ACHIEVED THAT PURPOSE, BUT IT CANNOT FREEZE THE STATUS QUO.

16. BOTH THE SOVIETS AND THE GERMANS SEEM TO APPRECIATE THE DYNAMIC OF THE QA. BEHIND THE SCENES, AS BERLINERS TRAVEL FREELY AND CONDUCT A LIFE OF NORMALCY UNPRECEDENTED IN THE POST-WAR ERA, THERE IS A CONTINUOUS JOCKEYING FOR POSITION BETWEEN EAST AND WEST. THERE WOULD HAVE BEEN NO QA IF THE PARTIES HAD NOT SETTLED FOR VAGUE FORMULATIONS ON MANY ISSUES FOR WHICH NO MUTUALLY ACCEPTABLE SOLUTIONS COULD BE FOUND. THE TEMPTATION FOR BOTH SIDES TO PROBE INTO THESE "GREY AREAS" HAS SUBSEQUENTLY BEEN GREAT.

17. EXAMINATION OF THE STEADY STREAM OF SOVIET PROTESTS SINCE 1972 PRODUCES A KIND OF GRUDGING ADMIRATION FOR MOSCOW'S PERSISTENCE IN FINDING WAYS TO CLAIM WESTERN VIOLATIONS OF THE QA AND TO USE IT NOT ONLY TO PREVENT FURTHER DEVELOPMENT OF BERLIN-FRG TIES BUT TO RESTRICT THEM. IN ASSERTING THEIR INTERPRETATIONS OF THE QA IN CATEGORICAL TERMS, THEY APPEAR TO BE CONTINUING THE QA NEGOTIATIONS IN OTHER WAYS -- TRYING TO ESTABLISH BY UNILATERAL ACTION THE POSITIONS THEY WERE UNABLE TO GAIN IN THE QA ITSELF. TO ILLUSTRATE:

-- THE SOVIETS STRIKE AT THE HEART OF BERLIN'S ECONOMIC VIABILITY BY CLAIMING THAT THE QA REQUIRED THAT BERLIN BE REMOVED FROM THE AREA OF APPLICABILITY OF THE EC TREATIES, THOUGH FOR US BERLIN'S INCLUSION IN THE EC AREA IS PART OF THE "EXISTING SITUATION" WHICH THE QA WAS NOT TO DISTURB.

-- MOSCOW NOT ONLY OBJECTS TO THE ESTABLISHMENT OF NEW FEDERAL INSTITUTIONS IN BERLIN, INCLUDING NON-GOVERNMENTAL ONES, BUT EVEN INSISTS THAT THOSE PRE-DATING THE QA ARE NOW ILLEGAL.

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PAGE 04 BONN 01621 04 OF 09 301453Z

-- BUILDING ON THAT POSITION, THE SOVIETS INJECT

BERLIN ISSUES INTO INTERNATIONAL FORA BY PROTESTING  
THE PRESENCE ON FRG DELEGATIONS OF OFFICIALS FROM

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PAGE 01 BONN 01621 05 OF 09 301317Z

43

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PAGE 02 BONN 01621 05 OF 09 301317Z

C O N F I D E N T I A L SECTION 05 OF 09 BONN 01621

BERLIN-BASED FEDERAL INSTITUTIONS, THOUGH MOST OF  
THOSE INSTITUTIONS PRECEDED THE QA.

-- REFUSAL TO AGREE THAT SUCH OFFICIALS MAY  
PARTICIPATE ON AN EQUAL FOOTING IN FRG EXCHANGES HAS  
STYMIED FOR TWO YEARS EFFORTS TO CONCLUDE A BILATERAL  
SCIENTIFIC-TECHNOLOGICAL AGREEMENT.

-- PUBLICIZED VISITS TO BERLIN BY SENIOR FEDERAL  
OFFICIALS HAVE OF LATE BROUGHT FORTH SOVIET PROTESTS,  
THOUGH THOSE OFFICIALS HAVE ALWAYS VISITED BERLIN.

-- WITH GROWING FREQUENCY THE SOVIETS AND THE GDR  
ATTEMPT TO DEAL DIRECTLY WITH THE SENAT AND DOWNGRADE  
THE FRG RIGHT OF REPRESENTATION.

-- TECHNICAL ARGUMENTS OVER THE FORMAT OF  
INVITATIONS MAY WELL DISGUISE A BROADER MOTIVE OF  
PREVENTING BERLIN FROM FLOURISHING AS AN INTERNATIONAL  
MEETING PLACE.

18. SOME OF THE SOVIET NOTES MAY BE JUSTIFIED BY  
EXCESSIVE FRG PROBES AT THE LIMITS SET BY THE QA.  
THERE IS NO AGREED DEFINITION OF THE TERM THAT TIES WILL  
BE MAINTAINED AND DEVELOPED, AND THE "SECURITY AND  
STATUS" LIMITATIONS IN THE QA ON THE FRG RIGHT TO  
REPRESENT BERLIN INTERESTS ABROAD ARE IMPRECISE. IN ANY  
EVENT, THERE IS NO EVIDENCE THAT THE SOVIETS, WITH THEIR  
STEADY STREAM OF PROTESTS, ARE PREPARING TO INSTIGATE A  
FRESH CRISIS OVER BERLIN. ON THE CONTRARY, FEARS OF A  
YEAR AGO THAT MOSCOW MIGHT DEMAND QUADRIPARTITE CONSUL-  
TATIONS HAVE RECEDED. IT IS CLEAR, HOWEVER, THAT THE  
SOVIETS AND EAST GERMANS HAVE NOT ABANDONED THEIR GOAL  
OF CONVERTING WEST BERLIN INTO A SEPARATE POLITICAL  
ENTITY, WITH THEIR ULTIMATE OBJECTIVE THE ABSORPTION OF  
THE CITY INTO THE GDR.

19. AN ADDITIONAL EXPLANATION FOR THE SOVIET PROTESTS  
MAY BE THAT -- IF DETENTE SHOULD FALTER AND BERLIN  
AGAIN BECOME A CENTER OF TENSION -- THE SOVIETS WOULD  
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PAGE 03 BONN 01621 05 OF 09 301317Z

ALREADY HAVE ESTABLISHED THE LEGAL BASIS FOR RENEGING ON THEIR COMMITMENTS OF UNIMPEDED ACCESS FOR THE CIVILIAN POPULACE BY ARGUING THAT THE WEST HAS VIOLATED THE QA. A RECAPITULATION OF ALLEGED VIOLATIONS OF THE QA, AS SET OUT IN THE SERIES OF SOVIET PROTESTS OF THE PAST FEW YEARS, WOULD BE USED TO TRY TO PERSUADE WORLD OPINION THAT IT WAS THE WEST WHICH WAS RESPONSIBLE FOR THE BREAKDOWN OF THE QA REGIME.

#### FRG POLICY AND US DECISION-MAKING

20. AGAINST THIS BACKGROUND, IT SEEMS CLEAR THAT THE ISSUES WHICH WILL CONFRONT US OVER THE COMING YEAR OR SO CANNOT BE DECIDED SIMPLY ON THE MERITS OF OUR OWN BERLIN POLICIES AS OPPOSED TO THOSE OF THE FRG. RATHER, TO MINIMIZE MISUNDERSTANDINGS AND TO LEND COHERENCE TO OUR OWN DECISION-MAKING WE SHOULD HAVE A CONCEPTUAL FRAMEWORK WITHIN WHICH OUR DIFFERENCES WITH THE FRG OVER BERLIN ARE TO BE RESOLVED.

21. THERE ARE AT LEAST FOUR ELEMENTS -- ONE LONG-TERM AND THE OTHERS PRESENT-TERM -- WHICH ENTER INTO THE INTERPLAY OF US AND GERMAN BERLIN POLICIES AND OUR OWN DECISION-MAKING:

- A CONSIDERATION OF THE POLICIES WHICH WOULD BEST SERVE OUR LONG-RANGE INTERESTS IN BERLIN;

- THE PRESENT STATE OF OUR RELATIONS WITH THE USSR (AND, TO A STILL NEGLIGIBLE EXTENT, WITH THE GDR);

- THE INTERPLAY OF US, BRITISH AND FRENCH INTERESTS; AND

- THE IMPORTANCE OF OUR BROADER RELATIONSHIP WITH THE FRG.

WE DISCUSS EACH OF THESE BELOW.

LONG-RANGE US INTERESTS IN BERLIN  
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PAGE 04 BONN 01621 05 OF 09 301317Z

22. TO TURN THE WESTERN SECTORS OF BERLIN OVER TO THE FRG, AS THE SOVIETS PURPORT TO HAVE DONE WITH THE

CONFIDENTIAL

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PAGE 01 BONN 01621 06 OF 09 301457Z

43

ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 SP-02 MMO-01 PER-01 CU-02 /034 W

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R 301238Z JAN 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6066

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY MOSCOW

AMZMBASSY ANKARA 2111

AMEMBASSY ATHENS

AMEMBASSY BRUSSELS

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AMEMBASSY WARSAW

AMEMBASSY PRAGUE

USMISSION NATO BRUSSELS

USMISSION EC BRUSSELS

AMEMBASSY VIENNA

USELM LIVE OAK

USNMR SHAPE

CINC EUR VAIHINGEN

CINC USAFE RAMSTEIN

CINC USAREUR HEIDELBERG

AMCONSUL BREMEN

AMCONSUL FRANKFURT

AMCONSUL DUSSELDORF

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CONFIDENTIAL

PAGE 02 BONN 01621 06 OF 09 301457Z

C O N F I D E N T I A L SECTION 06 OF 09 BONN 01621

EASTERN SECTOR AND THE GDR, REMAINS AN UNTHINKABLE OPTION FOR ALLIED POLICY. ON THE OTHER HAND, BOTH BECAUSE OF THE STRENGTH OF OUR COMMITMENT TO THE BERLINERS AND BECAUSE OF THE IMPORTANCE OF BERLIN AS A SYMBOL FOR THE WHOLE WORLD OF AMERICAN CREDIBILITY, WE COULD NOT WITHDRAW THE WESTERN GARRISONS AND ACCEPT THE "FREE CITY" CONCEPT.

23. OUR PURPOSE IN BERLIN IS TO SUSTAIN THE CITY AS OUR PARTICULAR RESPONSIBILITY UNTIL WE CAN RELINQUISH THAT RESPONSIBILITY IN A MANNER THAT WILL NOT PROVOKE A CRISIS OR VIOLATE OUR IMAGE OF OURSELVES. BERLIN CAN NEVER BE AN AMERICAN CITY BUT ONLY A GERMAN ONE, AND YET IT IS NOW OUR CHARGE. IT WILL REMAIN SO FOR THE FORESEEABLE FUTURE.

24. ONE QUESTION WE SHOULD CONSIDER, AS WE MAKE DAY-TO-DAY DECISIONS AFFECTING BERLIN, IS WHAT SITUATION IN BERLIN WOULD BEST SERVE OUR INTERESTS IN SOME FUTURE PERIOD OF TENSION, WHEN THE QA REGIME MIGHT NO LONGER BE EFFECTIVE. IT CAN BE ARGUED THAT IN SUCH A SITUATION OUR OWN POSITION WOULD BE MORE TENABLE, AND OUR OWN INTERESTS BETTER SERVED, IF WE HAD MOVED CLOSER TO THE SOVIET VIEW OF BERLIN AS A SEPARATE POLITICAL ENTITY. IF THE FRG HAD LESS SAY IN BERLIN MATTERS, WE WOULD HAVE GREATER FREEDOM OF ACTION TO TAKE THE HARD DECISIONS THAT MIGHT BE REQUIRED TO PRESERVE OUR OWN POSITION AND THE FREEDOM OF THE WEST BERLINERS.

25. MILITATING AGAINST OUR PURSUING A POLICY AIMED AT LESSENING RATHER THAN STRENGTHENING THE FRG TIES, HOWEVER, IS THE FACT THAT NEITHER WE NOR OUR BRITISH AND FRENCH ALLIES ARE PREPARED TO PLAY THE ROLE FOR BERLIN THAT THE FRG IS NOW PLAYING. WE HAVE NO DESIRE TO TAKE OVER FROM THE FRG THE RESPONSIBILITY FOR REPRESENTING BERLIN OR ITS POPULACE IN INTERNATIONAL AFFAIRS. WE ARE NOT PREPARED TO PICK UP THE TAB FOR KEEPING THE CITY AFLOAT ECONOMICA-LY, NOR COULD WE PROVIDE A SUBSTITUTE FOR BERLIN'S TIES WITH THE COMMON

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PAGE 03 BONN 01621 06 OF 09 301457Z



MARKET. WHILE WE QUESTION THE REALISM OF THE WEST GERMAN AND WEST BERLIN DESIRE THAT BERLIN MIGHT BECOME A PART OF THE FEDERAL REPUBLIC, WE OFFER NO SUBSTITUTE SOLUTION FOR WHAT THE ULTIMATE STATUS OF THE CITY IS TO BE.

26. WHAT WE WOULD HOPE, OF COURSE, IS THAT DETENTE WOULD CONTINUE AND THE QA REGIME REMAIN EFFECTIVE. IN THAT SITUATION ALSO THE WEST GERMAN ROLE REMAINS EQUALLY AND PERHAPS EVEN MORE CENTRAL TO BERLIN'S FUTURE. WE WILL BE IN AN ERA OF POLITICAL AND ECONOMIC COMPETITION, IN BERLIN AS ELSEWHERE. OUR SECURITY UMBRELLA, THOUGH CRUCIAL, WILL NOT SERVE AS AN INSTRUMENT OF DAY-BY-DAY POLICY. ONLY THE FEDERAL REPUBLIC CAN OFFER POLITICAL ASSOCIATION AS WELL AS THE ECONOMIC SUPPORT THAT WOULD BE NOT JUST BEYOND OUR WILL BUT BEYOND OUR CAPACITY.

27. FOR THE FORESEEABLE FUTURE, THEREFORE, OUR ROLE WILL CONTINUE TO BE ONE OF OCCUPYING AND PROTECTIVE POWER. BUT BERLIN WILL REMAIN AN ASSET RATHER THAN A LIABILITY TO THE US ONLY SO LONG AS IT REMAINS A THRIVING, VIABLE CITY -- AND FOR THIS, AN ACTIVE WEST GERMAN ROLE REMAINS ESSENTIAL WHETHER WE HAVE DETENTE OR NOT.

US RELATIONS WITH THE USSR AND THE GDR

28. BECAUSE THE SOVIETS MAY NOT YET BE CONVINCED THAT DETENTE IS INDIVISIBLE -- AND BECAUSE WE CAN NEVER ACQUIESCE IN THE ULTIMATE SOVIET SOLUTION FOR THE BERLIN PROBLEM -- WE CANNOT LET DOWN OUR GUARD OR ABANDON CONTINGENCY PLANNING. THE ABSENCE OF BERLIN CRISES IN RECENT YEARS HAS FACILITATED OUR SEARCH FOR UNDERSTANDINGS WITH THE SOVIET UNION ON MORE FUNDAMENTAL ISSUES; WE WOULD LIKE TO KEEP IT THAT WAY, AND THIS FACTOR ENTERS INTO OUR DECISIONS ON BERLIN ISSUES. WE MIGHT FEEL COMPELLED TO REJECT A GERMAN INITIATIVE ON BERLIN WHICH WAS OBVIOUSLY PROVOCATIVE BECAUSE OF THE EFFECT IT WOULD HAVE ON OUR RELATIONS WITH THE SOVIETS. BUT THE GERMANS, TOO, SEEK DETENTE, CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BONN 01621 06 OF 09 301457Z

AND THEY ARE THEREFORE UNLIKELY TO PRESENT US WITH ANY SUCH HARD CHOICES IN THE NEAR FUTURE.

29. MORE RELEVANT TO THE DECISIONS WE ROUTINELY FACE

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PAGE 01 BONN 01621 07 OF 09 301510Z

43

ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 SP-02 MMO-01 PER-01 CU-02 /034 W

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 6067

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

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CONFIDENTIAL

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PAGE 02 BONN 01621 07 OF 09 301510Z

C O N F I D E N T I A L SECTION 07 OF 09 BONN 01621

IS THE FACT THAT SOVIET PROTESTS AND EFFORTS TO IMPOSE THEIR INTERPRETATIONS OF THE QA HAVE MADE US MORE ATTENTIVE TO THE NEED TO BE ABLE TO JUSTIFY CONTEMPLATED ACTIONS UNDER THE QA. THIS IS NOT A QUESTION OF APPEASEMENT BUT SIMPLY A MATTER OF BEING CERTAIN THAT WE ARE ON SOUND LEGAL GROUNDS FOR WHAT WE DO AND THEREFORE BETTER ABLE TO PRESERVE OUR POSITION. THE GERMANS HAVE SHARED THIS ATTITUDE, EVEN IF THEIR INTERPRETATIONS DIFFER FROM OURS.

30. DIFFICULTIES COULD ARISE IF WE AND THE GERMANS FELL OUT OF PHASE IN OUR RESPECTIVE DETENTE DEALINGS WITH THE SOVIET UNION. WE MIGHT AGREE WITH A GERMAN BELIEF THAT A TOUGHER STANCE ON BERLIN MATTERS WAS CALLED FOR IF IT CAME AT A TIME WHEN OUR OWN NEGOTIATIONS WITH THE SOVIETS WERE AT A STANDSTILL. IF, HOWEVER, IT CAME AT A TIME WHEN WE WERE ON THE VERGE OF A BREAKTHROUGH ON A MAJOR NEGOTIATION WITH THE SOVIETS, THE CHOICE BETWEEN SUPPORTING THE GERMANS AND NOT ROCKING THE BOAT IN OUR OWN RELATIONS WITH MOSCOW WOULD AT LEAST GIVE US PAUSE FOR THOUGHT.

31. AT THIS STAGE OF RELATIONS, THE EAST GERMAN FACTOR NEED ONLY BE MENTIONED AS A FOOTNOTE. IT IS WORTH REMEMBERING, HOWEVER, THAT IT IS BERLIN WHICH SETS THE ULTIMATE LIMIT ON ANY IMPROVEMENT OF RELATIONS WITH THE GDR. OUR CONTINUING ASSERTION OF RESERVED RIGHTS IN EAST BERLIN CONFLICTS WITH EAST GERMAN (AND, TO A LESSER EXTENT, SOVIET) VIEWS ON THE STATUS OF THE CITY, WHILE ALLIED USE OF THE GROUND AND AIR ACCESS ROUTES IS SEEN BY THE EAST GERMANS AS DAILY VIOLATION OF THEIR SOVEREIGNTY. OF ALL THE PARTIES AT INTEREST, IT MAY BE THE EAST GERMANS WHO HAVE LEAST REASON TO BE SATISFIED WITH THE QA.

32. SO LONG AS THE QA WORKS WE -- AND THE GDR -- WILL THUS HAVE TO ACCEPT THE LIMITATIONS ON OUR ABILITY TO DISCUSS BILATERALLY WITH THE EAST GERMANS THE PROBLEMS IN OUR RELATIONS WHICH MOST CONCERN THEM. CONVERSELY,  
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PAGE 03 BONN 01621 07 OF 09 301510Z

ANY DISPOSITION ON OUR PART TO HEAR GDR VIEWS ON THESE ISSUES WOULD LEAD TO COMPLICATIONS IN OUR RELATIONS

WITH THE FRG AND, POTENTIALLY, TO A WEAKENING OF OUR  
POSITION IN WEST BERLIN.

INTER-ALLIED RELATIONSHIPS

33. WHILE THERE ARE CURRENTLY NO MAJOR DISAGREEMENTS  
AMONG THE THREE WESTERN ALLIES, THERE ARE NO PERMANENT  
ALIGNMENTS ON BERLIN ISSUES AMONG THE FOUR BONN GROUP  
POWERS. WE AGREE WITH MISSION BERLIN'S ANALYSIS OF THE  
ATTITUDES OF THE BRITISH AND FRENCH, AND ADD ONLY A FEW  
OBSERVATIONS BASED ON EXPERIENCE IN BONN.

34. ALL THREE ALLIES ENDEAVOR TO BALANCE FRG  
INTERESTS AGAINST ALLIED VIEWS OF THE LEGAL REQUIRE-  
MENTS FOR PRESERVING THE WESTERN POSITION IN BERLIN. WE  
AND THE BRITISH TEND TO BE SOMEWHAT MORE PRAGMATIC  
THAN THE FRENCH IN INTERPRETING ALLIED RIGHTS AND  
RESPONSIBILITIES AND IN SEEKING ACCOMMODATIONS. THIS  
DIFFERENCE IN APPROACH MAY IN PART BE ATTRIBUTABLE  
TO DIFFERING LEGAL AND CONSTITUTIONAL CONCEPTS  
STEMMING FROM COMMON LAW VS. CIVIL LAW TRADITIONS.

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PAGE 01 BONN 01621 08 OF 09 301517Z

43

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FM AMEMBASSY BONN

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INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY MOSCOW

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AMEMBASSY ROME  
AMEMBASSY THE HAGUE  
AMEMBASSY WARSAW  
AMEMBASSY PRAGUE  
USMISSION NATO BRUSSELS  
USMISSION EC BRUSSELS  
AMEMBASSY VIENNA  
USELM LIVE OAK  
USNMR SHAPE  
CINC EUR VAIHINGEN  
CINC USAFE RAMSTEIN  
CINC USAREUR HEIDELBERG  
AMCONSUL BREMEN  
AMCONSUL FRANKFURT  
AMCONSUL DUSSELDORF  
AMCONSUL HAMBURG  
AMCONSUL MUNICH  
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PAGE 02 BONN 01621 08 OF 09 301517Z

C O N F I D E N T I A L SECTION 08 OF 09 BONN 01621

35. ASIDE FROM THIS, IT IS NOTICEABLE THAT THE BRITISH, WHO ONCE SOUGHT WHENEVER POSSIBLE TO AVOID SOVIET DISPLEASURE, NOW SEEM TO CONCENTRATE ON AVOIDING CONFRONTATIONS WITH THE GERMANS. THIS HAS BEEN PARTICULARLY STRIKING IN RECENT MONTHS AND MY REFLECT BRITAIN'S EUROPEAN PRIORITIES.

36. THE FRENCH, ON THE OTHER HAND, SOMETIMES GO OUT OF THEIR WAY TO MAKE IT CLEAR THAT GERMAN DISPLEASURE IS OF NO CONCERN TO THEM IF THEY ARE CONVINCED THAT PROPOSED GERMAN ACTIONS ENDANGER THE ALLIED POSITION IN BERLIN. BUT THE FRENCH ALSO BEND. FOR MONTHS THEY STOOD ALONE IN OPPOSING SENAT NEGOTIATIONS WITH THE GDR ON THE TELTOW CANAL -- UNTIL, WE UNDERSTAND, SCHMIDT APPEALED DIRECTLY TO GISCARD TO OVERRULE SAUVAGNARGUES. THEY WILL ALSO CONCEDE TO COMBINED US AND GERMAN PRESSURES -- A FACTOR THE GERMANS SEEM TO BE COUNTING ON WHEN THEY CONCENTRATE THEIR ATTENTION ON FIRST TRYING TO ALTER THE US POSITION ON THE BACTERIOLOGICAL WEAPONS CONVENTION.  
FRG-US RELATIONS

37. RECOGNITION THAT THE FRG IS OUR MOST IMPORTANT ALLY

IS A FOURTH AND CRUCIAL FACTOR IN OUR DECISION-  
MAKING ON BERLIN.

38. REASONABLE MINDS CAN AND DO DIFFER ON THE LEGALITY  
AND THE WISDOM OF MANY FRG INITIATIVES CONCERNING  
BERLIN. THE SAFE OR CAUTIOUS APPROACH MORE OFTEN THAN  
NOT WOULD BE TO SAY NO TO NEW PROPOSALS, THEREBY  
AVOIDING UNNECESSARY POLEMICS WITH THE SOVIETS. THE END  
RESULT OF A CONSISTENTLY CAUTIOUS POLICY, HOWEVER,  
WOULD BE TO MOVE TOWARD A STATUS QUO MINUS AND TO  
ABANDON THE HARD-WON QA LANGUAGE ON DEVELOPMENT OF THE  
TIES. MORE THAN THAT, WE WOULD OVER TIME RISK  
DAMAGE NOT ONLY TO THE SPIRIT OF THE BERLINERS BUT TO  
OUR BROADER INTERESTS WITH THE FEDERAL REPUBLIC.

39. THOSE INTERESTS ARE NOT NEGLIGIBLE. THEY WILL BE  
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PAGE 03 BONN 01621 08 OF 09 301517Z

DETAILED AT GREATER LENGTH IN THE FRG POLICY ASSESSMENT.  
ON ISSUES RANGING FROM ENERGY TO ANGOLA, THE GERMANS  
HAVE BEEN AMONG OUR MOST HELPFUL FRIENDS. THEIR  
ROLE BOTH IN NATO AND IN THE EC HAS BEEN CONSISTENTLY  
CONSTRUCTIVE. OCCASIONAL DISAGREEMENT WITH THE  
GERMANS ON BERLIN MATTERS WOULD NOT JEOPARDIZE THIS  
VALUABLE SUPPORT. THE GERMANS DO, HOWEVER, CONSIDER  
THAT THEY ARE ENTITLED TO FULL UNDERSTANDING  
AND SUPPORT FOR THEIR VIEWS ON BERLIN MATTERS --  
OR AT LEAST TO THE BENEFIT OF THE DOUBT WHEN  
IT IS A QUESTION OF JUDGMENT. IF THEY THINK WE  
WILL ALWAYS HOLD THEM BACK, THEY COULD ACT ON  
THEIR OWN WITH MORE TROUBLESOME RESULTS.

40. THE US-FRG RELATIONSHIP IN BERLIN MAY BE  
FRACTIOUS AT TIMES, AND IT WILL OFTEN BE  
FRUSTRATING. THE PRESENT GERMAN LEADERSHIP SEEMS  
TO ENGAGE LESS IN LONG-RANGE THINKING ON BERLIN  
MATTERS THAN WAS TRUE IN THE BRANDT/BAHR ERA.  
THE RESULT IS OCCASIONAL INCONSISTENCY IN  
URGING THE ALLIES TO SUPPORT THE FRG POSITION  
TO THE HILT WHILE THEMSELVES TAKING ACTIONS THAT  
WOULD SEEM TO UNDERCUT THAT POSITION.

4L. IN ADDITION, THE BREAKDOWN OF CONSULTATIONS  
ON THE RECENT INNER-GERMAN NEGOTIATIONS SUGGESTS THAT  
SCHMIDT DOES NOT FULLY UNDERSTAND HOW WIDE-RANGING  
ALLIED INTERESTS ARE OR HOW PRESERVATION OF ALLIED LEGAL  
POSITIONS IS ALSO IN THE LONG-RANGE GERMAN INTEREST.  
HE SEEMS LESS CONCERNED ABOUT IMPACT ON LONG-GUARDED  
LEGAL POSITIONS AND MORE INTERESTED IN QUICK RESULTS  
WHICH WILL SHOW THAT HE IS PRODUCING TANGIBLE BENEFITS

FOR BERLIN. WHILE WE ARE UNAWARE OF ANY NEGOTIATIONS  
ON THE HORIZON COMPARABLE TO THE TRANSIT  
AGREEMENTS, THERE IS A DANGER IN THIS ELECTION YEAR WE  
MAY SEE MORE SUCH PERFORMANCES FROM THE CHANCELLOR.

42. WE WILL HAVE TO SEEK IMPROVEMENT IN THE  
FRG RECORD ON CONSULTATIONS. WE MUST ALSO WORK TO  
PREVENT THE ESCALATION OF DISAGREEMENTS IN INDIVIDUAL  
CASES INTO A REAL DIVERGENCE OF VIEWPOINT WHICH COULD  
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PAGE 04 BONN 01621 08 OF 09 301517Z

HAVE A SPILLOVER EFFECT IN OTHER AREAS.

PROBLEMS ON THE HORIZON

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PAGE 01 BONN 01621 09 OF 09 301512Z

43  
ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 SP-02 MMO-01 PER-01 CU-02 /034 W  
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R 301238Z JAN 76  
FM AMEMBASSY BONN  
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AMEMBASSY BERLIN  
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AMEMBASSY VIENNA  
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PAGE 02 BONN 01621 09 OF 09 301512Z

C O N F I D E N T I A L SECTION 09 OF 09 BONN 01621

43. AS SUGGESTED ABOVE, SOME OF OUR BERLIN PROBLEMS IN THE YEAR AHEAD WILL STEM FROM GERMAN INITIATIVES IN AN ELECTION YEAR. CONVENING A MEETING OF THE PRESIDIUM AND THE COUNCIL OF ELDERS OF THE BUNDESTAG IN BERLIN, FOR EXAMPLE, WOULD BE OF LITTLE VALUE TO BERLIN. SUCH MEETINGS ARE NOT CLEARLY PROHIBITED BY THE QA, HOWEVER, AND THE ALLIES MUST FACTOR ELECTION YEAR PRESSURES INTO THEIR CONSIDERATION OF THE PROPOSAL.

44. WE WILL ALSO DISAGREE FROM TIME TO TIME ON QUESTIONS OF INTERPRETATION OF RIGHTS DELEGATED TO THE FRG BY THE ALLIES. EXTENSION OF THE BWC TO BERLIN MAY GO BEYOND THE LIMITS OF WHAT IS PERMITTED BY OUR OWN RESERVED RIGHTS FOR MATTERS OF SECURITY. IF IN THE END WE CONTINUE TO OPPOSE EXTENSION, IT WILL BE FOR THAT REASON AND NOT BECAUSE OF EXPECTED SOVIET OPPOSITION. THE EXPERIENCE OF THE PAST THREE YEARS HAS SHOWN AFTER ALL THAT THERE ARE VERY FEW TREATY EXTENSIONS TO WHICH THE SOVIETS DO NOT OBJECT.

45. SOME ISSUES WILL HAVE LITTLE TO DO WITH SPECIFIC FRG INITIATIVES. WHETHER FEDERAL AUTHORITIES ARE TO PLAY A ROLE IN THE PROSECUTION OF THE LORENZ AND VON DRENKMANN TERRORISTS IS A KNOTTY PROBLEM OF GERMAN AND BERLIN CONSTITUTIONAL LAW AS IT HAS EVOLVED, AND NOT A NEW PROBLEM OF GERMAN MAKING. IT WILL HAVE TO BE



RESOLVED IN FULL CONSULTATION WITH THE ALLIES, WHO SHARE THE GERMAN INTEREST IN DOING EVERYTHING POSSIBLE TO BRING URBAN TERRORISM UNDER CONTROL. THE EARLIER STRONG SOVIET PROTEST ON FEDERAL INVOLVEMENT IN THE LORENZ AFFAIR DOES NOT MAKE MATTERS EASIER.

46. FINALLY, QUESTIONS CONCERNING BERLIN'S ROLE IN AN EVOLVING EUROPEAN COMMUNITY MAY PROVE TO BE THE MOST INTRACTABLE. THESE ISSUES ARE ALSO NOT OF GERMAN MAKING BUT FLOW NATURALLY FROM THE FACT THAT BERLIN HAS BEEN INCLUDED IN THE EC AREA SINCE 1957. AT THE MAY QUADRIPARTITE MEETINGS THE THREE ALLIES REAFFIRMED THEIR AGREEMENT THAT BERLIN

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PAGE 03 BONN 01621 09 OF 09 301512Z

SHOULD KEEP PACE WITH THE EC AS IT EVOLVES, TO THE EXTENT THAT THIS IS COMPATIBLE WITH ALLIED RIGHTS AND RESPONSIBILITIES. THE PROBLEM WILL BE TO FIND MODALITIES FOR MAKING THIS POSSIBLE. DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT, ADOPTION OF EC PASSPORTS, AND QUESTIONS CONCERNING THE JURISDICTION IN BERLIN OF THE EUROPEAN COURT ALL POSE ISSUES DEMANDING IMAGINATIVE SOLUTIONS.

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